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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,870	11/12/2003	Michael D. Mills	VUT-014	6742

31408 7590 03/09/2006

LAW OFFICE OF JAMES TROSINO
92 NATOMA STREET, SUITE 211
SAN FRANCISCO, CA 94105

EXAMINER

MARTIN, LAURA E

ART UNIT	PAPER NUMBER
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2853

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/706,870	Applicant(s) MILLS ET AL.	
	Examiner Laura E. Martin	Art Unit 2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7, 9-11, 25-27 and 29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 9-11, 25-27 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 29, 30, 1, 2, and 9 rejected under 35 U.S.C. 102(b) as being anticipated by Seino et al. (US 6361138).

As per claims 29 and 30, Sieno et al. teaches a printing system and method for use with a printing system comprising a plurality of ink containers, each ink container comprising an ink and a plurality of associated tags (figures 3a and 3b, elements 32, 33, 34 and 42, 43, 44), each tag comprising data that identifies the manufacturing date of the associated ink, each ink comprising an expiration date (column 3, lines 30-37); a reader adapted to read the data from an identified tag; and a controller coupled to the reader, the controller adapted to determine if the expiration date of the ink associated with the identified tag has been exceeded (column 4, line 5—column 5, line 4).

As per claims 1, 2, and 9, Sieno et al. teaches each tag comprising a memory with logic that stores the manufacturing date of the associate dink (column 3, lines 22-37), and a source which generates a signal related to the data; and wherein the reader is adapted to read the signal from the identified tag (column 3, line 50-column 4, line 6); wherein the reader comprises a reader/writer that is further adapted to write data to the

tags (column 1, lines 57-65); and each tag is attached to the associated container (figures 3a and 3b, elements 32, 33, 34 and 42, 43, 44)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 10, 11, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seino et al. (US 6361138) in view of Haines et al. (US 6808255).

Seino et al. teaches the printing system of claim 29 and the method of claim 30; however, it does not disclose a signal comprising a radio frequency signal, wherein the signal from the identified tag is transmitted to the reader wirelessly, or a tag comprising a RF identification tag.

Haines et al. teaches a signal comprising a radio frequency signal, wherein the signal from the identified tag is transmitted to the reader wirelessly, or a tag comprising a RF identification tag (column 3, lines 45-55 and figure 3, element 36).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method and apparatus of Seino et al. with the disclosure of Haines et al. in order to provide for a higher quality printer

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seino et al. (US 6361138) in view of Trafton et al. (US 2003/0043243).

Seino et al. teaches the system of claim 1; however, it does not teach a memory storing data that identifies the color of the associated ink.

Trafton teaches the memory storing data identifying the color of the associate ink [0010].

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Seino et al. with the disclosure of Trafton et al. in order to provide for a higher quality printer.

Claims 7 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seino et al. (US 6361138) in view of Yoshimura et al. (US 6019461).

Seino et al. teaches the apparatus and method of claims 29 and 30; however, it does not disclose a disabler circuit coupled to the controller, the disabler circuit adapted to disable the printing system if the expiration date of the ink associated with the identified tag has been exceeded.

Yoshimura et al. teaches a disabler circuit coupled to the controller, the disabler circuit adapted to disable the printing system if the expiration date of the ink associated with the identified tag has been exceeded (column 4, line 65-column 5, line 4).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus and method of Seino et al. with the disclosure of Yoshimura et al. in order to create a higher quality printer.

Response to Arguments

Applicant's arguments with respect to claims 1-4, 7, 9-11, and 25-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura E. Martin whose telephone number is (571) 272-2160. The examiner can normally be reached on Monday - Friday, 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Laura E. Martin

 3/5/06
MANISH S. SHAH
PRIMARY EXAMINER